

ROBERT M. FOX, ESQ. (RF-1250)
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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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IN RE:

895 WEST BEECH REALTY LLC,

Case No.
Chapter 11 Reorganization
AFFIDAVIT PURSUANT TO
LOCAL RULE 1007

Debtor.

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STATE OF NEW YORK)

ss.:

COUNTY OF NEW YORK)

Marvin Neuman, being duly sworn, deposes and says:

1. I, Marvin Neuman, am a 100% equity owner of the above Debtor, the President of 895 West Beech Realty LLC., a New York limited liability company, and also the Managing Member of the above captioned Debtor and Debtor-in-Possession. This affidavit is submitted by the Debtor-in-Possession, pursuant to the Local Rules of this Court, in connection with the filing of a Chapter 11 case by the above Debtor.

2. The Debtor is not a small business debtor within the meaning of the Bankruptcy Code.

3. The Debtor is in the business of owning and operating Real Property located at 891-895 West Beech Street, Long Beach, New York 11561 (the "Premises"), consisting of four (4) rental commercial retail units plus a garage.

4. The Debtor experienced certain problems as follows. On or about August 2006, I, through the above Debtor, LLC purchased the above premises for a purchase price of \$959,500. I paid cash of \$335,000 and took a Mortgage from the seller, an individual by the name of John Richard MacMurray aka J. Richard MacMurray, in the amount of \$620,000(approximately

\$4,382 per month). MacMurray requested and I agreed pursuant to a written lease, to lease to MacMurray one commercial unit of approximately 650 square feet for three years at a rental of \$1300 a month, plus tax, water and sewer pass-throughs at the rate of 20% of such charges.

5. Despite the fact that I continued to pay the mortgage payments to MacMurray, MacMurray determined to stop paying the lease payments on or about October of 2007 and only intermittently paid subsequently. In addition, MacMurray instructed other tenants not to pay rent, including Reilly and Goodman, which was obligated to pay \$1300 per month. I also learned that MacMurray had kept his personal property and never surrendered the garage space to me, had permitted an illegal tenant at the garage space and continued to use the garage space for his personal uses without paying any rent. He also diverted the tax bills so that I was not able to monitor and pay the taxes.

6. As a consequence, I was unable to pay the monthly mortgage payments from the income of the building. I was required to hire attorneys and expend legal fees to attempt to collect the rent.

7. On or about January 30, 2008, MacMurray commenced a Foreclosure Complaint in the New York State Supreme Court Nassau County (07-019391) alleging that the Mortgage was in default and seeking a foreclosure judgment. A judgment of foreclosure and sale was entered and the sale is presently scheduled for December 8, 2009, based upon advice from the Plaintiff's attorney.

8. An Order appointing a Rent Receiver was entered on October 19, 2009, and the Receiver, Mark Mackew, PLLC stated that he was qualified as Receiver in a letter dated November 9, 2009,

9. There is no unsecured creditors' committee or other committee of creditors.

10. The Debtor does not have any unsecured creditors and therefore cannot provide a list of unsecured creditors. I personally advanced substantial monies exceeding \$450,000 to purchase and renovate the Premises.

11. This Debtor has one secured creditor, Richard MacMurray with an address of 5 August Walk, Long Beach, NY 11561, with an attorney of Robert Smith 68 West Park Avenue, Long Beach, NY 11561.

12. A summary of the debtor's assets and liabilities is attached as Exhibit A.

13. I have served as President of the Debtor since its inception. There are no other officers of the Debtor upon information and belief.

14. No property is within the possession of any party other than the Debtor and property which may be held by Receiver.

15. The Debtor does not lease Premises but operates from Premises located at 183 Lefferts Road, Woodmere, NY 11598.

16. The Debtor's books and records are maintained by myself. Its sole asset is the real property which is owned by this Debtor. It has no other assets.

17. The Debtor's expected monthly income and disbursements is attached hereto as Exhibit B.

18. The Debtor intends to sell the premises, and arrange to satisfy the Debtor's obligations from the proceeds of the sale. The Debtor believes that it will be able to propose and confirm a Chapter 11 Plan.

s/_____

Name: Marvin Neuman, 100%
equity owner of the Debtor
Title: President- as Managing
Member of the Debtor

Severally affirmed before me this
____ day of November, 2009.

s/_____
NOTARY PUBLIC